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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,430	04/03/2001	Thierry Bellier	297-010250-US(PAR)	2069
2512	7590	02/08/2005		EXAMINER
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824				NGUYEN, HANH N
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/825,430	BELLIER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hanh Nguyen	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 April 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/28/01&10/15/01.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

A word “and” in line 4 should be deleted because there are more than one final limitations in the claim.

In line 13, after “number” the “,” should be replaced with “;”.

In line 14, after “bursts” the “,” should be replaced with “;”.

In line 15, after “checking” the “,” should be deleted.

In line 16, after bursts, “,” should be replaced with “;”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 USC 103(a) as being unpatentable over Ostrup et al.(US Pat.6 292,664 B1) in view of Dahlin et al. (US Pat. 5,182,753).

In claims 1 and 4, Ostrup et al. discloses a method for transmitting control information (transmitting channel request, step 410, Fig.4, col.6, lines 60-65) on a control channel associated with a traffic channel, comprising the steps of :

determining the traffic channel to be either a full- or half rate channel (the MSC verifies whether or not the half rate traffic channel or the full rate traffic channel is assigned to mobile 120 based on a current level of calls, see col.6, lines 60-67 & col.7, lines 25-35) or a quarter rate channel (at step 480, a quarter rate channel is selected when the occupied capacity is a significant portion of the total available capacity, see col.7, line 60 to col.8, line 5 & lines 25-30). Ostrup et al. further discloses, in Fig.2, as the available cell capacity 210 increases, the mobile 120 is assigned the full rate traffic channel 240 to maximixe voice quality (in response to the full rate channel assigned, transmitting a first number of burst, see col.4, lines lines 30-40). As the occupied cell capacity 210 level decreases (reaches high traffic threshold 230), the mobile 120 is assigned half rates traffic channel (in response to the half rate channel assigned, transmitting a second number of bursts, see col.4, lines 42-60). Since the system is equally applicable to full, half and quarter rate channel (see col.8, lines 1-10 & lines 25-30), it would have been obvious for the mobile 120 to transmit bursts in a quarter traffic channel, (in response to the half rate channel assigned, transmitting a second number of bursts) wherein the number of bursts in the quarter rate, half rate channels should be smaller than the number of bursts transmitted in the full rate channel (said second number is smaller than the first number).

Ostrup et al. does not disclose transforming fixed sixe blocks of information into a first number of bursts and a second number of bursts; checking whether a retransmission is requested concerning said second number of transmitted control information bursts, and if a retransmission is requested concerning said second transmitted control information bursts, transmitting another number of control information bursts describing the contents of the control information block which was transformed into said second number of transmitted control information bursts.

Dahlin et al. discloses a method for transmitting control information (transmitting handoff messages request) on a control channel (on slow association control channel SACCH) associated with a traffic channel (see Abstract). As shown in col.9, lines 40-50, the handoff request messages on SACCH is retransmitted until an acknowledgement has been received. As shown in col.2, lines 65-67, in full rate channel, a 260 bit speech block ( a fixed size block) is divided into two 130 bit halves (transforming a fixed size block of information into a first number of bursts in full rate channel).

Therefore, it would have been obvious to one ordinary skilled in the art to retransmit bursts (handoff requests) in the Ostrup et al. in order to determine whether the bursts have been received based on a received ACK. Further, it would have been obvious to one ordinary skilled in the art to implement the teaching of Dahlin into Ostrup et al. the transforming of the fixed size block of information into a second number of bursts smaller than the first number of bursts. The combination of the two systems maintains the communication from being lost between mobiles.

In claims 2 and 5, Ostrup et al. does not disclose the first number of control bursts is four bursts and the second number of control bursts is two bursts. Dahlin et al. discloses that in full rate channel, a 260 bit speech block ( a fixed size information block) is divided into two 130 bit halves ( the first number of control bursts is transformed into two bursts). See col.2, lines 65-67. Therefore, it would have been obvious to one ordinary skilled in the art to divide the 260 bit block into 4 blocks, each is 65 bits in the full rate channel. In the similar concept, in a quarter rate channel, the fixed information block is divided into two blocks which is less than four because in quarter rate channel, less data is transmitted than in full rate channel.

In claims 3 and 6, the limitations of these claims have been addressed in claim 1.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang et al. (Pat. 6813252 B2) discloses Method and system for Interleaving of full rate channels suitable for half duplex operation and statistical Multiplexing.

Raith et al. (Pat. 6466568 B1) discloses Multirate radiocommunication systems and terminals.

Dent (Pat. 6,084,865) discloses Dual Mode Satellite/Cellular terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/825,430  
Art Unit: 2662

Page 6

A handwritten signature in black ink, appearing to read "Hanh Nguyen".

**HANH NGUYEN**  
**PRIMARY EXAMINER**